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Our file: 3121-1A-1

Date: February 5, 2010

American Patent Application No.: 10/585,096

Filed: January 7<sup>th</sup>, 2005

PCT Application N°: PCT/CA2005/000018

Int. Filing Date: January 7, 2005

Priority Date: January 12, 2004

Inventor(s): BRAULT Jean, KRICK Thierry, ROY Annie

Applicant(s): SYSTEMES DE MOBILIER TRIANGLE INC.

Title: WORKTABLE COMPRISING A MULTIDIRECTIONAL  
COUPLING

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Assistant Commissioner for Patents

P.O. Box 1450,

Alexandria, VA 22313-1450

U.S.A.

Sirs:

We are in receipt of the filing receipt on the above-noted patent application, mailed to us on 21 January 2010.

However, the filing date or 371(c) date of 23 September 2008 on this filing receipt is in error. Indeed, the Decision on petition dated 24 November 2008 issued by Mr George Dombroske, PCT Legal Examiner, Office of PCT legal administration, clearly states that the filing date under 37 USC 371(c) 1), 2) and 4) is 30 June 2006, that is to say, the date when the patent application documents were first received by the U.S. patent and trademark office.

Please send us a revised Filing Certificate.

We enclose for your convenience a copy of the above-noted Filing Receipt and Decision on petition.

Yours truly,

Respectfully Submitted,

  
François Martineau

Patent Agent N° 33072

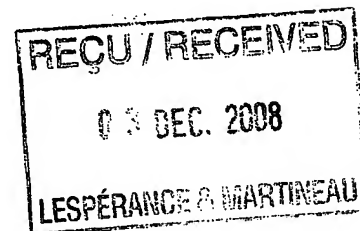
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CANADA



In re Application of  
Brault et al.  
Application No.: 10/585,096  
PCT No.: PCT/CA2005/000018  
Int. Filing Date: 07 January 2005  
Priority Date: 12 January 2004  
Attorney Docket No.: 3121-1A-1  
For: Worktable Comprising A Multidirectional Coupling

DECISION

ON

PETITION

This is in response to the renewed petitions under 37 CFR 1.47(a) filed on 23 September 2008 and 03 October 2008.

### DISCUSSION

In the Decision mailed on 19 September 2008, the petition under 37 CFR 1.47(a) filed on 10 September 2008 was dismissed, without prejudice, because

regarding requirement (2), petitioner has provided an "Affidavit of Mrs. Annie Roy"... Said affidavit is accompanied by a copy and translation of a letter to Mr. Brault signed by Mme. Annie Roy and dated 13 August 2008. Also provided is a copy of a postal report, without a translation. Assuming *arguendo* that the letter dated 13 August 2008 is the same letter as referred to by Mrs. Brault in her "Affidavit," it is not clear that the period provided for response would have been adequate for Mr. Brault to read the contents of the letter, decide whether to execute the application, and return the declaration. Since it is not clear that the time period allowed was reasonable under the circumstances, it would not be appropriate to conclude at this time that Mr. Brault's failure to return the executed declaration within that time should be construed as a refusal within the meaning of 37 CFR 1.47(a).

Regarding requirement (4), petitioner has provided a statement that "the French language section of the bilingual French language declaration form used as the Declaration of ownership filed on May 2<sup>nd</sup>, 2008 is an accurate translation in French of the original English language section thereof." Petitioner should clarify whether this statement pertains to the declaration filed on 30 June 2006, the declaration filed on 14 May 2008, neither or both.

In response, regarding requirement (2), petitioner argues that Mrs. Roy's statement establishes that the signed declaration was not returned in "more than three weeks from the date of receipt by Mr. Brault of the letter and declaration and power of attorney," and alludes to a "statutory minimum period required by the U.S. patent office in these cases." Petitioner is advised, respectfully, that no such "statutory minimum period" exists; rather, the standard is whether a reasonable time has been provided for the non-signing inventor to receive, review and return the oath or declaration. From petitioner's statements, it appears that Mr. Brault had not returned the executed declaration as of 03 October 2008; Mrs. Roy's cover letter accompanying

the declaration and copy of the application was mailed on 14 August 2008. From the totality of the evidence now of record, including the additional passage of time without a response from Mr. Brault, it would be reasonable to construe Mr. Brault's failure to return the executed declaration as a refusal within the meaning of 37 CFR 1.47(a).

Regarding requirement (4), petitioner has provided appropriate statements with respect to the translations of both the declaration filed on 30 June 2006 and that filed on 14 May 2008. Therefore, requirement (4) now has been satisfied.

### **DECISION**

The petition under 37 CFR 1.47(a) is is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 June 2006**.

/George Dombroske/  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/585,096	09/23/2008		1030	3121-1A-1	12	2

CONFIRMATION NO. 5770

## FILING RECEIPT



23863  
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CANADA

Date Mailed: 01/21/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

## Applicant(s)

Jean Brault, Lachine, QC, CANADA;  
Annie Roy, Montreal, QC, CANADA;  
Thierry Krick, Coteau-du-Lac, QC, CANADA;

## Assignment For Published Patent Application

SYSTEMES DE MOBILIER TRIANGLE INC., Vaudreuil, CANADA

**Power of Attorney:** The patent practitioners associated with Customer Number 23863

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/CA2005/000018 01/07/2005  
which claims benefit of 60/535,519 01/12/2004

## Foreign Applications

If Required, Foreign Filing License Granted: 01/16/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/585,096**

Projected Publication Date: 04/29/2010

Non-Publication Request: No

Early Publication Request: No